

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

CHRISTOPHER PROSSER,)	
)	
Plaintiff,)	
)	
v.)	No. 98-6097-CV-SJ-FJG
)	
DAVE WILLIAMS, et al.,)	
)	
Defendants.)	
)	

ORDER

Pending before the Court is Defendant Bruhn's Motion for Summary Judgment and Suggestions in Support (Doc. No. 349). After examining defendant Bruhn's motion, plaintiff's suggestions in opposition (Doc. No. 352) and defendant's reply (Doc. No. 354), the Court finds that questions of material fact remain as to whether defendant Bruhn was aware of a substantial risk of serious harm to plaintiff when he recommended defendant's release to the general population. Therefore, defendant Bruhn's motion for summary judgment (Doc. No. 349) is **DENIED**.

IT IS SO ORDERED.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: August 11, 2005.
Kansas City, Missouri.